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In re Application of : DECISION ON
TAIMELA :
Application No.: 09/582,718 :
PCT No.: PCT/FI98/01024 : PETITION
Int. Filing Date: 28 June 1998 :
Priority Date: 30 December 1997 : UNDER 37 CFR 1.181
Attorney's Docket No.: 13530J. :
For: APPARATUS FOR EXERCISE AND/OR :
REHABILITATION OF NECK EXTENSORS :

Applicant's petition under 37 CFR 1.182, filed 07 October 2004, requesting a certificate of correction to add foreign priority, has been treated under 37 CFR 1.181 and is **GRANTED**. No fee is required.

BACKGROUND

On 28 December 1998, applicant filed international application PCT/FI98/01024, which claimed priority of Finnish application 974645 filed 30 December 1997. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 15 July 1999. A Demand for international preliminary examination, in which the United States was elected, was filed on 20 July 1999, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 30 June 2000.

On 30 June 2000, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, inter alia,: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an English translation of the international application as required by 35 U.S.C. 371(c)(2); a declaration as required by 35 U.S.C. 371(c)(4); and an application data sheet.

DISCUSSION

A review of the file clearly indicates that the claim to foreign priority was made in the application data sheet and a copy of the certified copy of the Finnish document received by

the International Bureau in compliance with Rule 17 was in the US file as of 30 June 2000. Accordingly, the USPTO erred in not printing the patent with the foreign priority information and in dismissing the previous requests for a certificate of correction.

CONCLUSION

Certificate of Corrections Branch is directed to print the Certificate of Corrections as requested by applicant.

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